



August 4, 2022

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

RE: FREEDOM OF INFORMATION ACT REQUEST

Dear FOIA Officer:

This letter constitutes a request under the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552. Stopping the spread of what it terms "disinformation" and/or "misinformation" has been a high priority throughout the Biden administration. Several months ago, the administration created a Disinformation Governance Board within the Department of Homeland Security, a move that critics feared put censorship at the forefront of its agenda. Recently, an advisor to the president urged popular tech companies to aid in the fight against misinformation: "The tech companies have to stop allowing specific individuals over and over again to spread disinformation [...] We need the tech companies to really jump in."<sup>1</sup> Corporations such as Google and YouTube have begun demonetizing content, aiding in the administration's agenda. While private companies are generally not subject to First Amendment restrictions, that may not be the case when those companies are acting at the behest of the government or in coordination with the government. In light of the unprecedented steps toward censorship online, The Center to Advance Security in America requests the following records from the U.S. Environmental Protection Agency (EPA):

1. From January 20, 2021, through the date this request is processed, records of communications between EPA political appointees and the following list of social media companies to address the spread of "misinformation" and "disinformation" regarding climate change.
  - a) Google
  - b) Alphabet
  - c) YouTube
  - d) Twitter
  - e) Facebook
  - f) Meta

We prefer to receive all records in electronic format. To the extent practicable, we seek electronic copies of the records in native file format, or, if that is not practicable, with full metadata for all fields. 5 U.S.C. § 552(a)(3)(B) (agency shall provide records in any form or format if the record is readily reproducible in that form or format).

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<sup>1</sup> <https://dailycaller.com/2022/06/09/mccarthy-climate-censorship-energy-environment/>



The Center to Advance Security in America (CASA) is a nonpartisan organization dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

CASA is focused on public education, and all materials and information requested will be disseminated to the public for this purpose. Thus, the disclosure of the requested records would not be to our primary benefit but would be to the primary benefit of the general public. Further, these records focus on freedom of speech and expression, a vital issue of privacy and civil liberties. For these reasons, we request a fee waiver pursuant to the FOIA Act, which provides for fee waivers when: (1) “disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government”; and (2) disclosure “is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).

Moreover, CASA is a representative of the news media for purposes of FOIA. *See* 5 U.S.C. § 552(a)(4)(A)(ii); *see also Cause of Action v. Federal Trade Commission*, 799 F.3d 1108, 1120 (D.C. Cir. 2015). To wit, CASA is an entity that gathers information, including through FOIA requests such as this one, that is of interest to at least a segment of the population. For example, CASA has launched investigations into the Department of Homeland Security’s reference to “false or misleading narratives,” which is of interest to Americans concerned about civil liberties, and the meaning of a “diplomatic boycott” of the 2022 Olympic Games, which is of interest to people concerned about human rights and America’s relationship with China. *See* CASA Press Releases, <https://advancing-america.org/category/press-releases/>

CASA also takes the information it gathers and uses its editorial skills to turn it into distinct works, which are then distributed to an audience. For example, CASA has already produced multiple op-eds in its short existence, *see* CASA Op-eds, <https://advancing-america.org/category/op-eds/>, and has provided editorial commentary that has been cited in multiple media reports. *See* CASA Media, <https://advancing-america.org/category/media/>. Going forward, CASA intends to continue to gather information, use its editorial skill to turn that information into distinct works, including, but not limited to, press releases, editorial comments to other publications, op-eds and other written works, and social media engagement. *See Cause of Action*, 799 F.3d at 1122 (“A substantive press release or editorial comment can be a distinct work based on the underlying material, just as a newspaper article about the same documents would be — and its composition can involve ‘a significant degree of editorial discretion.’”) (quoting *Nat. Sec. Archive v. U.S. Dept. of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989)). At minimum, CASA will post distinct works on its website and email them to email list subscribers. CASA will also work with an ever-growing list of journalists to reach its audience. For these reasons, at minimum CASA qualifies for a waiver from search and production costs as a representative of the news media.

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions and provide an explanation of why EPA “reasonably foresees that disclosure would



harm an interest” protected by that exemption or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8). Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions regarding this request, please feel free to contact me at [foia@advancing-america.org](mailto:foia@advancing-america.org).

CASA looks forward to your determination within 20 working days of this request, as is required by FOIA. 5 U.S.C. § 552(a)(6)(A)(i). Thank you in advance for your assistance in this matter.

Sincerely,

Adam Turner  
Director  
Center to Advance Security in America  
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Washington, DC 20009  
[foia@advancing-america.org](mailto:foia@advancing-america.org)